

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BETTY MICHENER,)	CIVIL DIVISION
)	
Plaintiff,)	No: 11-746
)	
v.)	
)	
THE BOROUGH OF MOUNT OLIVER;)	U.S. Chief District Judge Gary L. Lancaster
JIM CASSIDY, individually and in his)	
capacity as Borough Council President;)	
CHRISTINE BRINDEL, individually and in)	ELECTRONICALLY FILED
her capacity as Borough Councilwoman;)	
JOHN SMITH, individually and in his)	
capacity as Borough Councilman; DENNIS)	JURY TRIAL DEMANDED
OBEDOBLE, individually and in his)	
capacity as Borough Councilman; PATRICK)	
MALLOY, individually and in his capacity)	
as Borough Councilman; and GEORGE)	
FARNETH, individually and in his capacity)	
as Borough Councilman,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 10th day of Oct, 2012,

upon further consideration of the parties' motions (ECF Nos. 74 and 85) and all responses thereto (ECF Nos. 78, 85, 89, 90, 91 and 92) and the representations made to the Court at the Court's Status Conference held on 9/6/2012 and it being apparent that the parties cannot agree on the Court's proposed binding arbitration, it is hereby ORDERED that:

1. Plaintiff, Borough of Mt. Oliver Councilwoman Betty Michener shall not attend or participate in any legislative session or other Borough council meeting discussing or considering anything related to any claim, defense or matter raised in this lawsuit, and shall be precluded from voting in any matter related to such claim, defense or matter raised in this lawsuit. Plaintiff Betty Michener shall

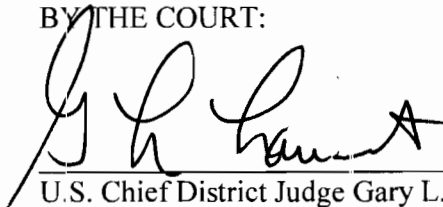
remove herself from any such session while any discussion or vote related to any claim, defense or matter raised in this lawsuit takes place. Plaintiff, Betty Michener, shall not obtain, receive or discuss any memoranda, legal opinions or other written materials provided to the Borough discussing or considering anything related to any claim, defense or matter raised in this lawsuit and Plaintiff shall not disclose or discuss any information from any such related legislative sessions, meetings or documents with anyone; and

2. Upon agreement of all counsel, Borough of Mt. Oliver solicitor, J. Deron Gabriel, shall not attend, participate or provide any legal advice in any legislative session or other Borough council meeting discussing or considering anything related to any claim, defense or matter raised in this lawsuit. Solicitor Gabriel will not in any way discuss or communicate with any member of Borough Council including Plaintiff Betty Michener or her lawyer, his agents or his employees or the Borough's insurance carrier and its employees and representatives including insurance agents or brokers about any matter related to any claim, defense or issue raised in this lawsuit. Solicitor Gabriel shall not obtain, receive or discuss any memoranda, legal opinions or other written materials provided to the Borough discussing or considering anything related to any claim, defense or matter raised in this lawsuit and Solicitor Gabriel shall not disclose or discuss any information from any such related legislative sessions, meetings or documents with Plaintiff, Betty Michener or her attorney, his agents or his employees; and

GLL ~~3. In light of said agreement contained in Paragraph 2 of this order, J. Deron Gabriel is hereby terminated as counsel of record for the Borough of Mt. Oliver in this lawsuit, and~~

3. The Court has determined that the individually named Defendants in this lawsuit who are also currently serving as elected and/or appointed public officials for the Borough of Mt. Oliver may continue to conduct all necessary Borough business relative to this litigation while serving in their respective roles as elected officials for the Borough.

BY THE COURT:



U.S. Chief District Judge Gary L. Lancaster